

THE PLANT PROTECTION ACT 2006

Act No. 10 of 2006

Proclaimed by [\[Proclamation No. 17 of 2006\]](#) w.e.f 1st November 2006

I assent

SIR ANEROOD JUGNAUTH

President of the Republic

30 June 2006

Amended by :

M1 The Economic and Financial Measures (Miscellaneous Provisions) Act 2013

M2 Plant Protection (Amendment of Schedule) Regulations, Government Notice No. 111 of 2023 (Government Gazette of Mauritius No. 69 of 12 August 2023)

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An Act

To make provisions for the prevention, control and elimination of plant pests, to protect plant resources, to establish phytosanitary measures and to regulate other matters connected therewith and incidental thereto

ENACTED by the Parliament of Mauritius, as follows –

PART I - PRELIMINARY

1. Short title

This Act may be cited as the **Plant Protection Act 2006**.

2. Interpretation

In this Act, unless the context otherwise requires -

“beneficial organisms” mean organisms, including fungi, bacteria, viruses, virus-like organisms or invertebrate or vertebrate animals, used specifically for -

- (a) control of pest;
- (b) pollination;
- (c) for the commercial production of agricultural products; or
- (d) other purposes beneficial to agricultural production;

“consignment” means a quantity of plants, plant products or regulated articles being moved from one country to another and covered, when required, by a single phytosanitary certificate;

“container” means a box, bag or other receptacle in which plants, plant products or any object or material capable of harbouring pests, have been or are being transported;

“conveyance” means any ship, vessel, aircraft, train, vehicle, cart, container, animal or other animated or inanimate object that can convey plants, plant products, pests, soil or regulated articles from one place to another;

“detention” means to keep a consignment in custody or confinement for phytosanitary reasons;

“emergency action” means any urgent phytosanitary action undertaken in a new or unexpected phytosanitary situation without full technical justification;

“GMO” means genetically modified organism and has the same meaning as in the Genetically Modified Organism Act 2004;

▼M1

“guidelines” means guidelines issued by the NPPO –

- (a) setting out the requirements, the applicable law and the procedure to be adopted for an application under section 19, 21 or 22;
- (b) available for consultation at the NPPO; and
- (c) posted on the website of the NPPO;

“importer” means any person who, whether as owner, consignor, consignee, agent, broker or otherwise, is in possession of, or is in any way entitled to the custody of any plant, plant product or other regulated article landed or likely to be landed in Mauritius from another country;

“infestation” means a condition whereby the land, plant, soil or other matter or thing in respect of which the term is used supports a pest physically, nutritionally or in any other way or a condition whereby the presence of the pest in or on the land, plant, soil or other matter or thing in question exposes any plant either directly or indirectly to pest infestation;

“Minister” means the Minister to whom responsibility for the subject of agriculture is assigned;

“NPPO” means the National Plant Protection Office established under section 4;

“officer” means an officer of the NPPO designated as such under section 4(2);

“owner”, in relation to a thing, includes any person having for the time being the possession, custody or control thereof;

“packaging” means any material in which any plant, plant product or regulated article is covered, enclosed, contained or packed;

“pest” means any living stage of any insect, mite, nematode, slug, snail, protozoa, bacterium, fungus, plant or any reproductive part thereof, virus, phytoplasma, or any infectious agent capable of causing damage to any plant, planting material or plant product;

“pest risk analysis” means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

“phytosanitary certificate” means a certificate issued under section 22;

“phytosanitary measure” means any measure taken for the prevention of the introduction or spread of quarantine pests, or limiting the adverse economic impact of regulated non-quarantine pests;

“plant” means any living plant and parts thereof, including seeds and germplasm;

“plant import permit” means a permit issued under section 19;

“plant product” means any product derived from plants, either in their natural, manufactured or processed form;

“point of entry” means an airport, sea port or land border point;

“premises” means land or any building or other structure situated on land;

“quarantine” means the confinement of plants, plant products or other regulated articles for observation and research or for further inspection, testing and treatment;

“quarantine area” means an area declared as such under section 10;

“quarantine pest” means a pest listed in Part I of the Schedule;

“re-export phytosanitary certificate” means the certificate issued under section 23;

“regulated article” means storage place, packaging, conveyance, container, soil and other organism, object or material capable of harbouring or spreading pests, requiring phytosanitary measures and may include a pest, beneficial organisms or GMO;

“regulated non-quarantine pest” means a pest listed in Part II of the Schedule;

“regulated pest” means a quarantine pest or a regulated non-quarantine pest;

"soil" includes earth, water, peat, manure, compost, sand, clay and any other substance capable of supporting plant life, or transmitting any pest, whether or not used or intended to be used as a growing medium, or in any process of manufacture, or as ballast or for any other purpose whatsoever;

▼M1

“TradeNet” has the same meaning as in the Customs Act;

“water” means water as a medium, including ballast water, capable of harbouring marine and aquatic invasive alien species.

3. Application of this Act

This Act shall bind the State.

PART II – NATIONAL PLANT PROTECTION OFFICE

4. National Plant Protection Office

- (1) There shall be a division of the Ministry which shall -
 - (a) be known as the National Plant Protection Office or the NPPO;
and
 - (b) be the authority responsible for the enforcement of this Act in Mauritius.
- (2) The NPPO shall consist of such officers as may be designated by the Officer in Charge of the Ministry.
- (3) The Officer in Charge of the Ministry shall be responsible for the management and administration of the affairs of the NPPO.

5. Functions and powers of National Plant Protection Office

- (1) The functions of the NPPO shall be to -
 - (a) implement the obligations of Mauritius under the International Plant Protection Convention;
 - (b) issue phytosanitary certificates;
 - (c) protect endangered areas and designate, maintain, and survey pest free areas and areas of low pest prevalence;
 - (d) provide information to other countries concerning phytosanitary measures applied, either through pest risk analysis or by reference to applicable international standards;

- (e) distribute information concerning regulated pests and the means of their prevention and control;
 - (f) propose, review and enforce phytosanitary measures;
 - (g) notify phytosanitary measures to other countries in accordance with international obligations;
 - (h) whenever appropriate, represent Mauritius in bilateral, regional, and international fora related to phytosanitary matters;
 - (i) advise the Minister on matters relating to the containment and eradication of regulated pests as it considers necessary or as may be requested by the Minister;
 - (j) carry out such other functions as may be required to give effect to this Act.
- (2) The NPPO shall have such powers as are necessary to discharge its functions under this Act.

6. Identity card

- (1) The Officer in Charge of the Ministry shall issue an identity card to every officer of the NPPO.
- (2) The identity card shall -
- (a) contain a recent photo of the officer;
 - (b) contain a copy of the officer's signature; and
 - (c) state an expiry date for the card.

7. Display of identity card

- (1) Subject to subsection (2), in the exercise of any power under this Act, in relation to another person, an officer shall produce his identity card for the other person's inspection before exercising the powers.
- (2) Where it is not practicable to comply with subsection (1), the officer shall produce his identity card for the other person's inspection at the first reasonable opportunity.

8. Surrender of identity card

- (1) Every officer shall, if so requested by the Officer in Charge of the Ministry or where he leaves the NPPO, forthwith surrender his identity card.
- (2) Any officer who fails to surrender his identity card in the circumstances referred to in subsection (1) shall commit an offence.

PART III - CONTAINMENT AND ERADICATION OF PESTS

9. Duty on owner of premises

Every owner of premises who suspects or becomes aware of the presence of a regulated pest on his premises shall –

- (a) immediately notify the NPPO; and
- (b) send in writing a notice to the NPPO, within 7 days of his suspicion or of becoming aware of the presence of the regulated pest.

10. Pest quarantine area

- (1) The Minister may, after consultation with the NPPO, declare any premises that are affected or suspected of being affected with quarantine pest infestation to be a pest quarantine area.
- (2) A declaration under subsection (1) shall be published in the Gazette and may define the boundaries of the declared pest quarantine area.
- (3) An officer may, upon declaration of a pest quarantine area, take immediate measures to -
 - 1
 - (a) prohibit the movement of people, conveyances, plants, plant products or other regulated articles from or to a specified location;
 - (b) prohibit the planting or replanting of a specified location; and
 - (c) take any other measure which he considers necessary under the circumstances.

11. Revocation of quarantine areas

Where, upon the advice of the NPPO, the Minister is of the opinion that -

- (a) the quarantine pest in respect of which a quarantine was declared is no longer present in the quarantine area; and
- (b) it is no longer appropriate for the quarantine to be maintained in respect of part or all of the infested area,

he shall revoke or modify the quarantine declaration and give notice of such revocation or modification in the Gazette.

12. Control measures for quarantine areas

(1) An officer may, where he reasonably believes that any premises within the quarantine area is being infested by a quarantine pest, exercise such powers as are assigned to him under this Act and require by way of notice -

(a) the owner of the premises;

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2(b) the owner of premises in the vicinity,

to take, within such period of time as may be specified in the notice, such measures as he thinks fit to eradicate, contain or restrict the spread of the quarantine pest.

(2) The officer may, in the notice referred to in subsection (1), specify that -

(a) any treatment or destruction of plants or plant products and other regulated articles or other matter or things shall be carried out within a specified period of time or under the direction of an officer;

(b) the costs of the treatment or destruction performed by, or under the direction of an officer, shall be at the cost of the owner of the premises.

(3) Where there is no person in actual occupation of any premises, or where the occupier cannot be found, service of any notice under this Act may be made by affixing the same in some conspicuous place on the premises, and such affixing shall be deemed to be sufficient service.

(4) Where the urgency of the situation so requires or the owner of any premises fails to comply with a notice issued under this section, the NPPO may take such measures as are appropriate to eradicate, contain or restrict the spread of the quarantine pest.

- (5) Any cost incurred under subsection (4) may be claimed from the owner of the premises.

13. Declaration of pest free areas

- (1) Where the NPPO is satisfied that a pest is not present in an area, it shall -
- (a) adopt phytosanitary measures to keep the area free of pest; and
 - (b) institute a monitoring system to verify that that condition is maintained.
- (2) The NPPO may declare an area being monitored under subsection (1) as a pest-free area.

14. Declaration of areas of low-pest prevalence

- (1) Where the NPPO is satisfied that a regulated pest occurs at low levels in an area, it shall -
- (a) adopt such phytosanitary measures as are appropriate to keep the pest levels low; and
 - (b) institute a surveillance system to verify that the pest levels remain low.
- (2) The NPPO may declare an area being monitored under subsection (1) as an area of low-pest prevalence.

15. Pest surveillance programme

- (1) The NPPO may, for the purpose of confirming the presence or ascertaining the extent of the presence of a pest to which the programme

applies, in respect of a designated area, conduct a pest surveillance programme.

- (2) The NPPO shall as far as possible ensure that timely information about the nature and extent of the programme is advertised to persons likely to be affected by the programme.
- (3) No pest surveillance programme shall be conducted without the approval of the Minister and unless notice of the pest surveillance programme has been published in the Gazette.

16. Specific pest infestation

- (1) Subject to subsection (3), an officer may, for the purpose of controlling or removing a regulated pest existing in or upon any premises or for the purpose of preventing the spread of any existing regulated pest to any premises, issue a notice in writing directing the owner of the premises forthwith or within a time specified by the officer to take such measures as he thinks fit, including to -
 - (a) quarantine, upon conditions as directed, all or any part of the premises in question;
 - (b) destroy any regulated pest thereon or any plants, packages or other matter or thing that are infested with a regulated pest;
 - 1
 - 2(c) treat as directed all or any part of the premises or any plant, plant products soil or other matter or thing thereon.
- (2) Any direction given under subsection (1) may include -
 - 1
 - 2(a) a direction that the destruction must be performed in accordance with the directions of the officer;
 - 3

- 4(b) a direction that the destruction shall be performed by, or under the direction of the officer.
- (3) An officer shall not give a direction under subsection (1), ordering the destruction of any part of a healthy crop that is not infested with a regulated pest unless he considers it necessary to do so in order to prevent, control or remove pest infestation of plants.
- (4) Where any part of a healthy crop that is not infested is destroyed pursuant to subsection (3), the owner of the crop shall be paid such compensation as may be prescribed.
- (5) No compensation shall be paid to a person who commits an offence under this Act.
- (6) For the purposes of this section, "crop" means a plant that is intentionally grown for its consumption as food or fodder or for its resale or the sale of its products or for a commercial use.

17. Imminent risk of infestation on premises not under quarantine

- (1) An officer may, where he is satisfied on reasonable grounds that there is an imminent risk of a pest infestation on any premises, other than premises in a pest quarantine area, exercise such powers as are assigned to him under this Act, to avoid the risk of a pest infestation.
- (2) In considering whether there is an imminent risk of pest infestation on any premises, the officer shall have regard to -
- 1
- 2(a) the proximity of the premises to a known infestation of the pest;
and
- 3
- 4(b) the ability of the pest to spread.

PART IV – IMPORT AND EXPORT

18. Phytosanitary measures for imports

(1) The NPPO may, in relation to the importation of plants, plant products and other regulated articles -

(a) establish phytosanitary requirements;

(b) refuse entry to or detain, any plant, plant product or other regulated article that does not comply with the phytosanitary requirements established under paragraph (a);

(c) require the -

(i) treatment;

(ii) destruction; or

(iii) removal from the territory of Mauritius,

of any plant, plant product or other regulated article that does not comply with the phytosanitary requirements established under paragraph (a);

(d) designate certain places as plant quarantine stations where plants, plant products or other regulated articles may be kept for phytosanitary observation, research, inspection, testing, treatment, detention or destruction; or

(e) take such other action as may be prescribed.

- (2) The NPPO shall publish the phytosanitary requirements established under subsection (1) in the Gazette.

19. Import requirements

- (1) (a) Any person who imports or causes the importation of a plant, plant product or other regulated article shall apply for a plant import permit from the NPPO ►M1 ----- . ◀

▼M1

(aa) Every application for a plant import permit shall be made in such form and manner as may be prescribed and in accordance with relevant guidelines.

(b) The NPPO may issue a plant import permit upon the payment of such fee as may be prescribed.

(c) Where the NPPO rejects an application it shall notify, ►M1 in such a manner as may be prescribed ◀, the applicant of the reasons for the rejection.

(d) ▼M1

The making of an application, the issue of a plant import permit and payment of the prescribed fee shall be effected either electronically through the TradeNet or, in exceptional or unforeseen circumstances, in such other manner as the NPPO may determine.

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- (2) Any importation made under subsection (1) shall be made through the point of entry designated in the plant import permit, and shall be accompanied by a phytosanitary certificate issued not more than 14 days prior to shipment, by the plant protection authority of the exporting country.

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- (3) The Minister may, after consultation with the NPPO, prohibit or regulate the importation of any plant, plant product or other regulated article, in such manner as may be prescribed.

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- (4) For the purposes of this section, "importation" includes landing or off-loading from any conveyance of any plant, plant product or other regulated article in transit through Mauritius.

20. Inspections

- (1) Any plant, plant product and other regulated article imported into Mauritius shall, upon importation, be subject to inspection at the point of entry, or at its final destination, by an officer.
- (2) An inspection under subsection (1) shall be carried out at such time ►M1 -----◄ as may be prescribed.
- (3)
 - (a) Where the imported plant, plant product or other regulated article complies with the requirements under this Act, the officer shall authorise, ►M1 in such manner as may be prescribed, delivery of the imported product to the importer ◄
 - (b) Where an officer determines that the imported product fails to comply with the requirements of this Act, or otherwise presents any risk for the introduction or spread of pests, he shall ►M1 notify, in such manner as may be prescribed, the importer of ◄ the reasons for his determination.
- (4) Where an officer has made a determination under subsection (3)(b), he may -
 - (a) detain until the completion of laboratory tests;
 - (b) remove for specified treatment prior to delivery;
 - (c) remove for quarantine;
 - (d) authorize the re-export of; or
 - (e) destroy,the imported product or part thereof.
- (5) The ►M1 authorisation or notification ◄ under subsection (3) may be waived where -
 - (a) the ►M1 authorisation of notification ◄ is impracticable;
or

- (b) the officer has reasonable grounds to believe that the destruction of the goods is urgently required.
- (6) Where the imported product lies unclaimed for such period as an officer considers unreasonable after its entry into Mauritius or after treatment, the officer may take such action as is appropriate to destroy it.
- (7) Any expenses incurred for any action taken under this section shall be at the cost of the importer.

21. Duty of notification of arrival

- (1) Any person who imports or causes the importation of any plant, plant product or other regulated article shall –
 - (a) notify the arrival of such importation; and
 - (b) apply for phytosanitary inspection,

▼M1

(1A) (a) An application for a phytosanitary inspection shall be made in such form and manner as may be prescribed and in accordance with relevant guidelines.

(b) The making of an application and payment of any fee shall be effected either electronically through the TradeNet or, in exceptional or unforeseen circumstances, in such other manner as the NPPO may determine.

to an officer at the point of entry.

- (2) Where an officer has reasonable grounds to believe that an importer may or is trying to avoid the enforcement of any phytosanitary measure, he may -
 - (a) detain or cause the detention of such plant, plant product or other regulated article; and
 - (b) take such measures as are appropriate under this Act.

22. Export phytosanitary certification

- (1) Any person exporting a plant, plant product or other regulated article from Mauritius shall apply for a phytosanitary certificate from the NPPO ►M1
----- ◀.

▼M1

(1A) An application for a phytosanitary certificate shall be made in such form and manner as may be prescribed and in accordance with relevant guidelines.

(2) The NPPO shall, upon an application by an exporter under subsection (1), cause an inspection of the consignment to be carried out.

(3) The NPPO shall issue ►M1 in such manner as may be prescribed, ◀ a phytosanitary certificate where -

- (a) the consignment meets the requirements of the importing country;
- (b) the consignment satisfies every other requirement for export under this Act; and
- (c) the exporter has paid the prescribed fee.

(4) The NPPO may refuse to issue ►M1 in such manner as may be prescribed, ◀ a phytosanitary certificate where any of the requirements in subsection (3) has not been met.

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(5) The making of an application, the issue of a phytosanitary certificate and payment of the prescribed fee shall be effected either electronically through the TradeNet or, in exceptional or unforeseen circumstances, in such other manner as the NPPO may determine.

23. Re-export phytosanitary certification

(1) When a consignment is imported into Mauritius, and then re-exported to another country, the NPPO shall issue ►M1 in such manner as may be prescribed, ◀ a re-export phytosanitary certificate in a form to be approved by the NPPO, upon –

- (a) being satisfied that the importing country's requirements are met; and
- (b) payment of such fee as may be prescribed.

(2) The original phytosanitary certificate or ►M1 ----- ◀ shall ►M1 in such manner as may be prescribed, ◀ accompany any consignment to be re-exported under subsection (1).

▼M1

(3) The making of an application, the issue of a re-export phytosanitary certificate and payment of the prescribed fee shall be effected either electronically through the TradeNet or, in exceptional or unforeseen circumstances, in such other manner as the NPPO may determine.

24. Transit Consignment

- (1) Subject to subsection (2), where a consignment is in transit, no phytosanitary certificate or re-export phytosanitary certificate shall be required.
- (2) Where an officer has reasonable grounds to believe that the consignment in transit may have been exposed to pest infestation, the officer may take such measures as are appropriate and issue a phytosanitary certificate.
- (3) For the purposes of this section, a consignment is deemed to be in transit where a consignment which is not imported in Mauritius passes through Mauritius for another country, subject to such measures as may be prescribed under this Act, to ensure that the consignment remains enclosed, is not split up, not combined with other consignment or has its packing changed.

25. Authorities to assist and co-operate

- (1) The NPPO may request the assistance of the police, customs, or any authority or person, in the performance of its functions and in the exercise of its powers under this Act.
- (2) Any authority to which or a person to whom a request has been made under subsection (1), shall provide such facilities and assistance as are necessary.

PART V – ENFORCEMENT

26. Powers of officers

- (1) For the purposes of detecting pests or ensuring compliance with this Act, an officer may -

- (a) enter and search any place and make such investigation or inspection as is necessary for the purposes of this Act, including breaking open and searching any container, receptacle or enclosed place, conducting tests and taking samples of any matter or thing for testing or as evidence;
- (b) inspect consignments of plants, plant products and other regulated articles;
- (c) carry out pre-clearance inspections where requested;
- (d) treat or destroy any plant, plant product and other regulated article;
- (e) stop any conveyance, which an officer believes on reasonable grounds may harbour a pest;
- (f) seize any matter or thing that an officer believes –
 - (i) will be of evidential value in relation to the commission of an offence;
 - (ii) is a pest;
 - (iii) is infested with a pest together with any container convenient to facilitate the seizure;
- (g) store, treat, quarantine or dispose of the plant, plant product or other regulated article at a place where it was seized or move it to any other place for storage, treatment, quarantine or disposition;
- (h) direct any person to furnish for inspection at such time and place as the officer may specify, any permit or record or copy of or

extracts from permits or records prepared or kept for a purpose connected with this Act;

- (i) take notes or copies of or extracts from anything furnished pursuant to paragraph (h);
 - (j) monitor plant movements;
 - (k) take photographs for the purpose of enforcing this Act;
 - (l) take samples of any matter or thing for testing or identification;
 - (m) lay baits and set lures or traps;
 - (n) question any person to ascertain whether this Act has been complied with;
 - (o) direct a person to take such steps as may be appropriate to ensure compliance with this Act.
- (2) An officer may, in the performance of his functions and the exercise of his powers under this Act, be assisted by a police officer.
- (3) (a) An officer shall not enter any dwelling house for the purpose of carrying out any of his functions or exercise any of his powers under this Act, unless he is authorised to do so by a warrant from a Magistrate.
- (b) A Magistrate shall not grant a warrant under paragraph (a) unless he is satisfied that the officer has reasonable grounds for requiring entry to the dwelling house.

- (4) Any direction given pursuant to subsection (1)(h) shall not prejudice or affect in any way any proceedings or action that has been or may be taken for failure to comply that has resulted in the directions.
- (5) A person who, without reasonable excuse, fails to comply with a direction or requirement under this section, shall commit an offence.
- (6) Nothing in this section shall be construed as prejudicing a person's right against self-incrimination.

27. Reasons for seizure

- (1) An officer who seizes and detains a plant, plant product or other regulated article under this Act shall, as soon as is practicable, notify the owner of the plant, plant product or other regulated article of the reason for the seizure.
- (2) An officer, who seizes and detains a plant, plant product or other regulated article may dispense of the requirement of subsection (1) where, in his opinion, the destruction of any plant, plant product or other regulated article is urgently required or the giving of the reason for the seizure is impractical.

28. Appeal

Any person who is aggrieved by the decision of an officer to destroy, dispose of or treat those articles may lodge an appeal before the Minister in such manner as may be prescribed.

29. Offences

Any person who, either personally or through another person –

- (a) grows, is in possession of or sells, offers for sale, transports or distributes in any manner, plants, plant products or other regulated articles, knowing that they are infested by a quarantine pest;
- (b) fails to comply with any direction lawfully made or given under this Act;
- (c) imports or causes to import any plants, plant products or other regulated articles at a point of entry other than that stipulated in the import permit or authorisation;
- (d) imports into or causes to import into, exports or causes to export from Mauritius any plant, plant product or other regulated article without any phytosanitary certificate or permit required under this Act;
- (e) intentionally permits or causes the introduction or spread of any quarantine pest in Mauritius;
- (f) fails to safeguard the phytosanitary security of a consignment after the issue of a phytosanitary certificate under this Act;
- (g) fails to allow a search or inspection or the taking of any sample authorised under this Act;
- (h) breaks the seal on a sealed container containing plants, plant products or other regulated articles, except in the presence of an officer;
- (i) knowingly or recklessly provides information which is false or misleading, for the purpose of obtaining any document under this Act;

- (j) alters, forges, defaces or destroys any document issued under this Act,

shall commit an offence.

30. Penalties

- (1) Any person who commits an offence under this Act shall be liable –
 - (a) on a first conviction, to a fine not exceeding 10,000 rupees and a term of imprisonment not exceeding 12 months;
 - (b) on a second and subsequent conviction, to a fine not exceeding 50,000 rupees and a term of imprisonment not exceeding 2 years.
- (2) The Court convicting a person of an offence under this Act may, in addition to any penalty provided for under subsection (1), order that any conveyance, article or object used in the perpetration of the offence, be forfeited.

31. Limitation of liability

The NPPO or any officer shall not be liable for the destruction of plants, plant products or other regulated articles, or any action done in good faith, in the implementation of any phytosanitary measure taken under this Act.

PART VI – MISCELLANEOUS

32. Regulations

- (1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

- (2) Without prejudice to the generality of subsection (1), the Minister may make regulations to provide for –
- (a) the designation of points of entry for the importation of consignments;
 - (b) the issue of permits and certificates;
 - (c) the classification of pest;
 - (d) declaration of a pest free area or an area of low pest prevalence;
 - (e) requirements for export of consignments;
 - (f) conditions under which consignments may be inspected under this Act;
 - (g) destruction of consignments seized or detained under this Act;
 - (h) the procedures to be followed for lodging an appeal under this Act;
 - (i) fees payable in relation to inspections and services provided for under this Act;
 - (j) the implementation of phytosanitary measures under this Act;
 - (k) the approval of quarantine stations, official analysts and laboratories or any person or institution from the public or private sector involved in phytosanitary matters; and
 - (l) amendment of the Schedules.

33. Repeal and savings

- (1) The Plants Act is hereby repealed.
- (2) Any certificate, permit or authorisation granted under the repealed Act, and which is still valid at the time of coming into operation of this Act, shall be deemed to have been issued under this Act.

34. Commencement

Proclaimed by [\[Proclamation No. 17 of 2006\]](#) w.e.f 1st November 2006

Passed by the National Assembly on the sixteenth day of May two thousand and six.

Ram Ranjit Dowlutta
Clerk of the National Assembly

Schedule

(section 2)

▼M2

PART I - LIST OF QUARANTINE PESTS **Sub-Part A - Bacteria and Phytoplasmas**

Acidovorax anthurii

Acidovorax avenae subsp. citrulli

Acidovorax avenae subsp. avenae

Agrobacterium tumefaciens

Blood disease bacterium of banana

Candidatus phytoplasma asteris

Paenibacillus larvae subsp. *larvae*

Burkholderia ahdropogonis

Burkholderia caryophylli

Burkholderia gladioli pv. *gladioli*

Burkholderia glumae

Candidatus phytoplasma palmae (coconut lethal yellowing disease)

Candidatus phytoplasma solani

Candidatus phytoplasma palmae

Cassava witches broom phytoplasma

Clavibacter michiganensis subsp. *insidiosus* (Syn *Corynebacterium michiganensis* subsp. *insidiosus*)

Clavibacter michiganensis subsp. *michiganensis*

Clavibacter michiganensis subsp. *nebraskensis*

Clavibacter michiganensis subsp. *Sepedonicus*

Clavibacter xyli subsp. *xyli* (ratoon stunt)

Curtobacterium flaccumfaciens pv. *betae*

Curtobacterium flaccumfacien pv *flaccumfaciens*

Curtobacterium flaccumfaciens pv. *oortii*

Erwinia amylovora

Erwinia chrysanthemi pv. *dianthicola*

Erwinia stewartii

Erwinia tracheiphila

Onion yellow phytoplasma

Papaya bunchy top

Potato stolbur phytoplasma

Pantoea stewartii subsp *stewartii*

Pseudomonas syringae pv. *maculicola*

Pseudomonas syringae pv. *syringae*

Pseudomonas cichorii

Pseudomonas fuscovaginae

Pseudomonas marginalis pv. *marginalis*

Pseudomonas savastanoi pv. *savastanoi*

Pseudomonas syringae pv. *aptata*
Pseudomonas syringae pv. *Coronafaciens*
Pseudomonas syringae pv. *lachrymans*

Pseudomonas syringae pv. *passiflorae*
Pseudomonas syringae pv. *lisi*
Pseudomonas syringae pv. *tagetis*
Pseudomonas viridiflava
Ralstonia solanacearum race 3/biovar 2
Raistonia syzygii subsp. *celebensis*
Rhizobium radiobacter
Rhizobium rhizogenes
Rhodococcus fascians (syn. *Corynebacterium fascians*)
Spiroplasma citri
Strawberry lethal decline phytoplasma
Sugarcane grassy shoot phytoplasma
Sugarcane white leaf phytoplasma
Sweet potato little leaf phytoplasma
Xylophilus ampelinus
Xanthomonas axonopodis pv *begonia*
Xanthomonas axonopodis pv *citri*
Xanthomonas axonopodis pv *dieffenbachiae*
Xanthomonas axonopodis pv *fragariae*
Xanthomonas axonopodis pv *manihotis*
Xanthomonas axonopodis pv *passiflorae*
Xanthomonas axonopodis pv *pelargonii*
Xanthomonas axonopodis pv *raphani*
Xanthomonas campestris pv *citri*
Xanthomonas campestris pv. *musacearum*
Xanthomonas hyacinthi (*hyacinth yellows*)

Xanthomonas melonis

Xanthomonas oryzae

Xanthomonas translucens pv. *translucens*

Xanthomonas translucens pv. *undulosa*

Xanthomonas vasicola pv. *vasculorum*

Sub-Part B - Fungi

Alternaria brassicae

Alternaria carthami

Alternaria gaisen

Botryosphaeria berengeriana f sp. *piricola*

Botryosphaeria spp.

Botryotinia polyblastis

Cephalosporium maydis

Ceratosphaeria phyllostachydis

Ceratocystis fimbriata

Cercospora angolensis

Cercospora beticola

Claviceps africana

Claviceps gigantea

Claviceps purpurea

Claviceps sorghicola

Colletotrichum lillii

Coniella diplodiella

Coniothyrium wernsdorffiae

Cronartium spp

Cryphonectria gyrosa

Cryptosporella umbrina

Cytospora eucalypticola

Deuterophoma tracheiphila

Diaporthe phaseolorum var caulivora
Didymella chrysanthemi
Didymella ligulicola
Exobasidium vexans
Exserohilum rostratum
Fusarium hostae
Fusarium oxysporum f. sp. echeveria
Fusarium oxysporum f. sp. lillii
Fusarium oxysporum f. sp. melonis
Fusarium oxysporum f. sp. passiflora
Fusarium oxysporum f. sp. phaseoli
Fusarium oxysporum f. sp. callistephi
Fusarium oxysporum f. s.p psidii
Fusarium oxysporum f. sp. cucumerinum

Fusarium oxysporum f. sp. cubense Tropical Race 4
Fusarium oxysporum var albedinis
Fusarium stilboides
Gloeotinia granigena
Glomerella tucumanensis
Gymnosporangium yamadae
Helminthosporium maydis race T (syn Bipolaris maydis race T)
Hemileia coffeicola
Hemileia vastatrix
Leptosphaeria maculans
Macruropyxis fulva sp. nov.
Magnaporthe grisea
Microsphaera penicillata
Monilinia fructigena
Monographella nivalis

Mycocentrospora acerina
Mycosphaerella fijiensis (black sigatoka disease)
Nectria galligena
Peronophythora litchii
Peronosclerospora maydis
Peronosclerospora phillippinensis
Peronosclerospora sacchari
Peronosclerospora sorghi
Peronosclerospora farinose
Peronospora hyoscyami f.sp. *tabacina*
Peronospora manshurica
Phakopsora cherimola
Phakopsora vitis
Phakopsora zizyphi-vulgaris
Phoma betae
Phoma clematidina
Phomopsis annonacearum
Phomopsis longicolla
Phomopsis viticola
Phyllosticta impatiens
Phymatotrichum omnivortum
Phytophthora fragariae var *fragariae*
Phytophthora infestans Type A2
Phytophthora sojae
Phytophthora cactorum
Phytophthora cinnamomi
Phytophthora cyptogea
Phytophthora megasperma f.sp. *glycinea*
Phytophthora tropicalis

Plasmopara halstedii
Polyscytalum pustulans
Protomyces macrosporus
Puccinia carthami
Puccinia malvacearum
Puccinia psidii
Scerotinia borealis
Sclerotinia bulborum
Sclerotinia trifoliorum
Septoria tageticola
Slerotinia spp
Sphaceloma perseae
Stagonosporopsis curtisii
Stereostratum corticioides
Synchytrium endobioticum
Tilletia caries
Tilletia controversa
Tilletia indica
Urocystis cepulae
Urocystis gladiolicola
Uromyces croci
Uromyces gladioli
Uromyces transversalis
Ustilago avenae
Ustilago maydis
Ustilago nigra
Ustilago nuda
Ustilago shiraiana
Venturia nashicola

Verticillium dahliae

Sub-Part C - Virus and Viroids

African cassava mosaic virus

Alfalfa mosaic virus

Alomoe-bobone virus complex

American/European virus

Andean potato latent virus

Andean potato mottle virus

Apple mosaic virus

Arabis mosaic nepovirus

Arabis mosaic virus

Arracacha Virus B

Asparagus latent virus

Asparagus virus 2

Avocado sun blotch viroid

Bamboo mosaic virus

Banana bract mosaic virus

Banana bunchy top virus

Barley stripe mosaic virus

Bean golden mosaic virus

Bean pod mottle virus

Beet necrotic yellow vein virus

Bermuda grass etched line marafivirus

Blackeye cowpea mosaic virus

Broadbean wilt virus

Cacao yellow mosaic virus

Carnation 1 alpha crypto virus

Carnation 2 alpha crypto virus

Carnation italian ring spot virus

Carnation latent virus

Carnation mottle virus

Carnation vein mottle virus

Carnation yellow stripe virus
African cassava mosaic virus
East african cassava mosaic virus
Cassava antholysis (MLO)
Cassava brown streak virus
Cassava common mosaic virus
Cassava mosaic virus
Cassava green mottle virus
Celery latent virus
Cherry leaf roll virus

Chilli veinal mottle virus
Chrysanthemum aspermy virus
Citrus cachexia viroid
Citrus exocortis viroid
Citrus infectious variegation
Citrus leaf rugose virus
Citrus psorosis virus
Citrus tatter leaf virus
Citrus vein enation virus
Citrus yellow mosaic virus
Clover yellow mosaic virus
Coconut cadang-cadang viroid
Coconut foliar decay virus
Coffee ringspot virus
Cowpea aphid borne mosaic virus
Cowpea mild mottle virus
Cowpea severe mosaic virus
Cowpea yellow mosaic
Cucumber green mottle virus

Cucumber mosaic virus
Cymbidium mosaic virus
Cynodon chlorotic streak nucleorhabdovirus
Dahlia mosaic virus
Dasheen bobone rhabdovirus
Dasheen mosaic virus
Eggplant mosaic virus
Eggplant mottled dwarf virus
Fig mosaic virus
Freesia leaf necrosis virus
Freesia mosaic virus
Garlic common latent Virus
Garlic mite-borne mosaic virus
Garlic virus A
Garlic virus B
Garlic virus C
Garlic virus D
Garlic virus X
High plains virus wheat mosaic virus
Hippeastrum mosaic virus
Hosta virus X
Hyacinth mosaic virus
Hydrangea ringspot virus
Impatiens necrotic spot virus
Indian cassava mosaic virus
Iris mild mosaic virus
Iris severe mosaic virus
Iris yellow spot virus
Johnson grass mosaic virus

Kalanchoe top-spotting virus
Leek yellow stripe virus
Lettuce infectious Yellows virus
Lettuce mosaic virus

Lily mottle virus
Lily symptomless virus
Lucerne enation virus
Maize chlorotic mottle virus
Maize dwarf mosaic virus
Maize streak virus
Maize yellow mosaic virus
Narcissus latent virus
Narcissus yellow stripe virus
Odontoglossum ringspot virus
Onion yellow dwarf virus
Papaya ringspot virus P
Pea early browning virus
Pea enation mosaic virus
Peanut stunt virus
Pelargonium leaf curl virus
Pelargonium vein netting virus

Pepino mosaic virus

Pepper mild mottle virus

Pineapple closterovirus

Pineapple wilt virus

Potato Andean latent tymovirus

Potato leafroll virus

Potato ringspot virus

Potato spindle tuber viroid

Potato virus A

Potato virus M

Potato virus S

Potato virus T

Potato virus X

Prunus dwarf virus

Prunus necrotic ringspot virus

Ramu stunt virus

Raspberry bushy dwarf virus

Raspberry ringspot virus

Raspberry vein chlorosis virus

Rose rosette virus

Rose wilt virus

Shallot latent virus

Shallot virus X

Sorghum mosaic virus

Southern bean mosaic virus

Soybean mosaic virus

Soybean stunt-virus

Squash leaf curl virus

Squash mosaic virus

Strawberry crinkle cytorhabdovirus

Strawberry crinkle virus

Strawberry latent ringspot virus

Strawberry mild mottle virus

Strawberry mild yellow edge virus

Strawberry ringspot virus

Strawberry vein banding virus

Sugarcane fiji disease virus

Sugarcane mosaic virus

Sugarcane streak mosaic virus

Sunn-hemp mosaic virus

Sweet potato feathery mottle virus

Sweet potato yellow dwarf virus

Taro vein chlorosis virus

Tobacco mosaic virus

Tobacco rattle virus

Tobacco ringspot virus

Tomato black ring virus

Tomato bushy stunt virus

Tomato mosaic virus

Tomato ringspot virus

Tomato spotted wilt virus

Tomato vein yellowing virus

Tomato yellow leaf curl virus

Tulip breaking virus

Tulip chlorotic blotch virus

Tulip virus X

Vanilla mosaic virus

Watermelon mosaic virus

Wheat streak mosaic virus

White clover mosaic virus

Zantedeschia mosaic virus

Sub-Part D - Nematodes

Anguina agrostis

Anguina tritici

Aphelenchoides besseyi

Aphelenchoides fragariae

Bursaphelenchus cocophilus

Bursaphelenchus xylophilus

Ditylenchus angustus

Ditylenchus destructor

Ditylenchus dipsaci

Ditylenchus spp

Globodera pallida

Globodera rostochiensis

Globodera spp
Heterodera schachtii
Heterodera zeae
Meloidogyne chitwoodi
Meloidogyne fallax
Meloidogyne hapla
Nacobbus aberrans
Pratylenchus coffeae
Pratylenchus goodeyi
Pratylenchus penetrans
Radopholus similis
Rhadinaphelenchus cocophilus
Radopholus spp
Tylenchulus semipenetrans
Xiphinema americanum

Sub-Part E - Protozoa/Cercozoa

Phytomonas spp
Phytocercomonas venanatanans

Sub-Part F - Insects and Mites

Acalymma trivittata
Aceria aloinis
Aceria tulipae
Aculops fuchsiae
Acyrtosiphon pelargonii
Acyrtosiphon pisum
Aleurocanthus woglumi
Aleurocanthus zizyphi
Aleurodicus destructor
Aleurodicus dugesii
Amauromyza maculosa
Anacridium melanorhodon
Anastrepha fraterculus
Anastrepha grandis
Anastrepha interrupta
Anastrepha ludens

Anastrepha mombinpraeoptans

Anastrepha obliqua

Anastrepha serpentina

Anastrepha striata

Anastrepha suspensa

Anoplophora chinensis

Anoplophora glabripennis

Anthonomus bisignifer

Anthonomus eugenii

Anthonomus grandis grandis

Anthonomus signatus

Aonidiella orientalis

Aphis coreopsidis

Aphis glycines

Aphis idaei

Aphis rubifolii

Aphis rumicis.

Aphis sesbaniae

Apriona germari

Aspidiotus nerii

Atranchya sp

Aulacaspis madiunensis

Aulacaspis yasumatsui

Aulacophona foveicollis

Aulacophona indica

Aulacophona lewisii

Bactericera cockerelli

Bactrocera carambolae

Bactrocera caryeae

Bactrocera correcta

Bactrocera cucumis
Bactrocera dorsalis
Bactrocera dorsalis species complex
Bactrocera facialis
Bactrocera invadens
Bactrocera kandiensis
Bactrocera latifrons
Bactrocera minax
Bactrocera neohumeralis
Bactrocera occipitalis
Bactrocera tau
Bactrocera tryoni
Bactrocera tsuneonis
Bactrocera xanthodes
Blitopertha orientalis
Brevipalpus californicus
Brevipalpus chilensis
Bruchidius sp
Cacoecimorpha pronubana
Cacosceles newmanii
Cacyreus marshalli
Ceratitis cosyra
Ceratitis malagassa
Ceratothripoides claratris
Ceratovacuna lanigera
Ceroplastes ceriferus
Ceroplastes destructor
Ceroplastes rubens
Ceroplastes rusci
Chaetosiphon fragaefolii
Chaetosiphon fragariae

Chaetosiphon tefrarhodum
Chaetosiphon thomasi
Chromatomyia horticola
Chrysodeixis eriosoma
Chrysomphalus diclyospermi
Cochliothis melolonthoides
Cydia pomonella
Dacus bivittatus
Danothrips trifasciatus
Delia antiqua
Diabrotica virgifera virgifera
Diabrotica barberi
Diabrotica speciosa
Diabrotica undecimpunctata
Dialeurodes citri
Dialeurodes citrifolii
Diaspidiotus perniciosus
Drosophila suzukii
Eldana saccharina
Epilachna varivestis
Epitrix cucumeris
Epitrix papa
Epitrix subcrinita
Eumerus strigatus
Eumerus tuberculatus
Eumetopina flavipes
Euzophera perticella
Eutetranychus orientalis
Euwallacea fornicatus
Fiorinia phantasma
Frankliniella bispinosa
Frankliniella fusca
Frankliniella intonsa

Frankliniella occidentalis
Frankliniella schultzei
Gonipterus gibberus
Gonipterus scutellatus
Sitophilus granarius
Haplaxius crudus
Hayhurstia atriplicis
Helicoverpa assulta
Hercinothrips femoralis
Heteronychus arator
Heteronychus plebejus
Homalodisca vitripennis
Hoplochelus marginalis
Hylurgus ligniperda
Hypothenemus obscurus
Hypothenemus hampei
Hysteroneura setariae
Iceiya aegyptiaca
Keiferia lycopersicella
Leptinotarsa decemlineata
Leucinodes africensis
Leucinodes orbonalis
Leucinodes pseudorbonalis
Leucinodes rimavallis
Liriomyza byoniae
Liriomyza sativae
Litronotus bonariensis
Lobesia botrana
Lopholeucaspis japonica

Macrosiphum pelargonii
Mamestra brassicae
Megalurothrips distalis
Megalurothrips usitatus
Melanoplus differentialis
Melanotus communis
Merodon equestris
Myzus ascalonicus
Myzus ornatus
Naupactus leucoloma
Nemorimyza maculosa
Neoliturus opacipennis
Neoliturus tenellus
Neoleucinodes elegantalis
Nipaecoccus nipae
Oemona hirta
Opogona sacchari
Parlatoria oleae
Parlatoria pergandii
Paysandisia archon
Peridroma saucia
Perkinsiella vastatrix
Perkinsiella vitiensis
Petrobia latens
Pezothrips kellyanus
Pheletes californicus
Phoracantha recurva
Phyllocoptes fructiphilus
Phylloxera vitifoliae
Planococcus minor
Planococcus musae

Platynota stultana
Podosesia syringae
Popillia japonica
Premnotrypes latithorax
Premnotrypes suturicallus
Premnotrypes vorax
Prodiplosis longfila
Prostephanus truncatus
Pseudococcidae
Pseudococcus calceolariae
Pseudococcus comstocki
Pseudococcus jackbeardsleyi
Rastrococcus iceryoides
Rastrococcus invadens
Rhagoletis cerasi
Rhagoletis pomonella
Rhopalosiphum padi
Rhynchophorus ferrugineus
Rhynchophorus palmarum
Rhynchophorus phoenicis
Ripersiella hibisci
Scirtothrips citri
Selenaspidus articulatus
Selenothrips rubrocinctus
Sesamia cretica
Sophronica ventralis
Spodoptera eridania
Spodoptera litura
Steneotarsonemus laticeps
Stephanitis typica
Symmetrischema tangolias
Targionia vitis
Tecia solanivora

Thrips flavus
Thrips imaginis

Toxoptera odinae
Trialeurodes ricini
Tribolium confusum
Trogoderma granarium
Trogoderma versicolor
Unaspis citri
Unaspis yanonensis
Uroleucon ambrosiae
Zonosemata electa

**PART II - LIST OF REGULATED
NON-QUARANTINE PESTS
Sub-Part A - Bacteria and Phytoplasmas**

Candidatus liberibacter africanus
Candidatus liberibacter asiaticus
Erwinia chrysanthemi
Lefsonia xyli subsp. xyli
Pseudomonas savastanoi pv phaseolicola
Pseudomonas syringae pv. Tomato
Xanthomonas albilineans
Xanthomonas axonopodis pv. mangifera indica
Xanthomonas axonopodis pv. phaseoli
Xanthomonas axonopodis pv. vasculorum
Xanthomonas axonopodis pv. vesicatoria
Xanthomonas axonopodis pv. vitians
Xanthomonas campestris pv. campestris
Xylella fastidiosa

Sub-Part B - Fungi

Alternaria dauci
Cercospora kikuchii
Colletotrichum acutatum

Colletotrichum capsici
Colletotrichum coccodes
Helminthosporium solani
Mycosphaerella citri
Mycosphaerella eumusae
Mycosphaerella musicola
Phytophthora capsici
Phytophthora colocasiae
Phytophthora infestans
Puccinia kuehnii
Spongospora subterranea f.sp subterranea
Sporisorium scitamineum
Stenocarpella macrospora
Stenocarpella maydis

Sub-Part C —Nematodes

Aphelenchoides ritzema bosi
Meloidogyne arenaria
Meloidogyne incognita
Meloidogyne javanica
Pratylenchus brachyurus
Scutellonema brachyurus

Sub-Part D - Virus and Viroids

Banana streak virus
Bean common mosaic virus
Bean yellow mosaic virus
Beet curly top virus
Carnation etched ring virus
Carnation necrotic fleck virus
Carnation ringspot virus
Chrysanthemum stunt viroid
Citrus tristeza virus

Cowpea mild mottle virus
Cymbidium mosaic virus
Grapevine fanleaf virus
Lettuce mosaic virus
Orchid fleck virus
Pea seed-borne mosaic virus
Peanut clump virus
Peanut mottle virus
Peanut rosette virus
Peanut stripe virus
Pelargonium leaf curl virus
Pepper mild mottle virus
Raspberry ringspot virus
Sugarcane bacilliform virus
Sugarcane yellow leaf virus
Tobacco necrosis virus
Tobacco streak virus
Vanilla mosaic virus

Sub-Part E - Insects and Mites

Acyrtosiphon solani
Aphis craccivora
Aphis gossypii
Bemisia argentifolii
Bemisia tabaci
Diaphorina citri
Dysmicoccus brevipes
Macrosiphum euphorbiae
Melanaphis sacchari
Myzus persicae
Perkinsiella saccharicida
Phthorimaea operculella
Rhopalosiphum maidis

Saccharicoccus sacchari

Sipha flava

Spodoptera frugiperda

Thrips palmi

Toxoptera citricida

Trioza erythrae

Tuta absoluta